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इस भाग में मिला पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation

MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS
(Legislative Department)

New Delhi, the 11th October, 1995/Aavina 19, 1917 (Saka)

The following President's Act is published for general information:—

THE JAMMU AND KASHMIR REPRESENTATION OF THE PEOPLE (AMENDMENT) ACT, 1995

No. 3 OF 1995

Enacted by the President on the Forty-sixth Year of the Republic or India.

An Act further to amend the Jammu and Kashmir Representation of the People Act 1957.

In exercise of the powers conferred by section 3 of the Jammu and Kashmir State Legislature (Delegation of Powers) Act, 1992, the President is pleased to enact as follows:—

1. (1) This Act may be called the Jammu and Kashmir Representation of the People (Amendment) Act, 1995.

(2) It shall come into force at once.

2. In the Jammu and Kashmir Representation of the People Act, 1957, for section 61, the following section shall be substituted, namely —

Shorttitle and commencement.

Substitution of new section for section 61 of Jammu and Kashmir Act IV of 1957

Death of a
candidate
before the
poll.

"61. (1) If a candidate set up by a recognised political party:—

(a) dies at any time after 11.00 A.M. on the last date for making nominations and his nomination is found valid on scrutiny under section 47; or

(b) whose nomination has been found valid on scrutiny under section 47 and who has not withdrawn his candidature under section 48, dies,

and in either case, a report of his death is received, at any time before the publication of the list of contesting candidates under section 49; or

(c) dies as a contesting candidate and a report of his death is received before the commencement of the poll.

The returning officer shall upon being satisfied about the fact of the death of the candidate, be ordered to announce an adjournment of the poll to a date to be notified later and report the fact to the Election Commission and also to the Government:

Provided that no order for adjourning a poll should be made in a case referred to in clause (a) except after the scrutiny of all the nominations including the nomination of the deceased candidate.

(2) The Election Commission shall, on the receipt of a report from the returning officer under sub-section (1), call upon the recognised political party whose candidate died, to nominate a fresh candidate within such time as may be specified in the notice. The provisions of sections 1 to 48 shall, so far as may be, apply in relation to such nomination as they would apply to other nominations:

Provided that no person who has given a notice of withdrawal of his candidature under sub-section (1) of section 48 before the adjournment of the poll shall be ineligible for being nominated as a candidate for the election after such adjournment.

(5) Where a list of contesting candidates had been published under section 49 before the adjournment of the poll under sub-section (1), the returning officer shall again prepare and publish a fresh list of contesting candidates under that section so as to include the name of the candidate who has been validly nominated under sub-section (2).

"•Explanation.—For the purpose, of this section "recognised political party" means a political party for which a symbol is reserved by the Election Commission."

SHANKER DAYAL SHARMA,
President.

K. L. MOHANPOBIA,
Secy, to the Govt. of India.

